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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,797	05/22/2007	Jed C. Friesen	57142-3	6868
22504 7590 05/26/2010 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
RIVERA, WILLIAM ARAUZ				
ART UNIT		PAPER NUMBER		
3654				
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05/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,797

Applicant(s)

FRIESEN, JED C.

Examiner

William A. Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paal et al (U.S. Patent No. 6,364,245) in view of Paukov (U.S. Patent Application Publication No. 2006/0226279).

With respect to Claims 1-3, 5-9, 11-15, 28-29, and 32-33, Paal et al, Figures 1-18, teach a mounting assembly 32 for mounting a roll of sheet material 162 having a central cylindrical opening in a dispenser 30 for dispensing sections of said roll of sheet material, said dispenser being one of a type having a housing with a main plate 34 and a cover 36, comprising: a receptacle mounted on one of said main plate and said cover for receiving and retaining said short cylindrical portion in sliding engagement; a roll engagement element mounted on another of said main plate and said cover operative to slidably engage an end of said central cylindrical opening opposite to an end into which said bung is inserted. Paal teaches all the elements of the mounting assembly except for a bung. However, Paukov, Figures 1-5, teaches a bung having a tubular body operative to tightly engage an interior of said central cylindrical opening and to resist withdrawal from said central cylindrical opening and a short cylindrical portion frangibly connected to said tubular body such that the force required to fracture said frangible connection is less than the force required to withdraw said tubular body from said roll; said tubular body

includes a plurality of outwardly directed projections; a flange 22. It would have been obvious to one of ordinary skill in the art to provide Paal et al with a bung, as taught by Paukov, for the purpose of securing the bung to the core thereby allowing the support and rotation of the roll.

With respect to Claim 4, Paal et al in view of Paukov are advanced above. Paal in view of Paukov teach all the elements of the tubular body except for said plurality of outwardly directed projections extend parallel to an axis of said tubular body. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to design the projections of Paal et al in view of Paukov to run parallel to an axis of the tubular as specified in Claim 4 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum design for a particular use. Further, it would be obvious to one of ordinary skill in the art that the orientation of the ribs are of little or no consequence as long as the ribs secure themselves with the inner cylindrical core.

With respect to Claims 10 and 16, Paal et al in view of Paukov are advanced above. Paal in view of Paukov teach all the elements of the tubular body except for the roll engagement element being conical. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to design the roll engagement element of Paal et al in view of Paukov to be conical as specified in Claim 10 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum design for a particular use.

With respect to Claims 17-25, 30-31, and 34, the method described in these claims would inherently result from the use of mounting device of Paal et al in view of Paukov as advanced above.

Response to Arguments

Applicant's arguments filed February 22, 2010 have been fully considered but they are not persuasive.

With respect to applicant's remarks regarding the Paukov reference, it is the applicant's position that the Paukov reference teaches that the frangible connections fracture upon insertion into the roll. However, applicant should note paragraph [0017] of Paukov which states that in operation flanges 14 of the bung are folded down, then the bung is inserted, then the frangible tabs are broken. Thus, the reference reads on the claim as set forth.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William A Rivera/
Primary Examiner, Art Unit 3654

May 23, 2010